

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2<sup>nd</sup> Floor (One Texas Center).

CASE # C15-2011-0057  
ROW # 10589789

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

TP-0206100228

**WARNING: Filing of this appeal stops all affected construction activity.**

**PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.**

STREET ADDRESS: 2402 Bryan St. Austin, TX 78702

LEGAL DESCRIPTION: Subdivision - Grandview Place

Lot(s) S 83 Ft of Lot 2 Block 1 Outlot 8&62 Division B

I/We Rocky & Sunee Conly on behalf of myself/ourselves

affirm that on April 13, 2011,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ X ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☐ MAINTAIN

We'd like to build a carport on our property to protect our cars from the elements as well as the overhead trees on our property. Not only would this be beneficial for our vehicles, it would also be beneficial as a play area for our three and one year olds.

in a SF-3-NP district.  
(zoning district)

0' from Hwy 61  
Central East Austin N.P.

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

**VARIANCE FINDINGS:** I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

**REASONABLE USE:**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

Our 3735 sq. ft. property is a thru lot. Bryan St. borders the front; Prospect Ave. borders the rear. It has a large right of way (10 ft) from the curb as well as a large setback (15 ft) in the rear. It also has a 15 ft. setback in the front. The front of our home and a corner of the rear of our home are on the edge of the setback. Because of the way our home is situated on our lot and the small size of our lot do not allow us to build anything further on our property without a variance.

**HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

We have several hardships which make it hard to build on our property. Our lot is small; only 3735 sq. ft. It is also an "urban home" on a thru lot which has a 15 ft. setback in the front and rear. The combination of being small, being a thru lot, and having a large right of way (10 ft) make it impossible to build any structure on our lot with a variance.

Our lot is also oddly shaped. Most lots in our neighborhood are rectangular. Ours is square in the front but is triangular in the rear. Our parking pads are in the rear and because of this are angled on our property. This only adds to the setback difficulty.

- (b) The hardship is not general to the area in which the property is located because:

Our lot is actually a remainder of a lot. The original lot was rectangular in shape and much larger in size. When Prospect Ave. was cut on the East side of Austin, our lot was cut through, cutting its size nearly in half. Most of our neighbors surrounding us all have the same lot size, shape, and types. Ours is very unique. Their lots are a more traditional shape, are larger, and have smaller setbacks and right of ways. Because of this, many properties in my neighborhood have been able to build carports.

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**AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The carport will not negatively affect the look of the street that backs our property. Our neighbors have given their approval for the building of the carport, and there is a neighbor that lives only 2 houses down the street that has an existing carport about 10 feet from the street as well. With a carport built on our property line, our fence and carport would be 10 ft. from the street because of the right of way. It would be exactly in line with my neighbors' fences and even a carport that is only a few houses down. It would not seem out of place.

**PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

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2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

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3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

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4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

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**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed *Sunee Conly* Mail Address 2402 Bryan St.

City, State & Zip Austin, TX 78702

Printed Sunee Conly Phone 512.825.4975 Date 4.13.2011

**OWNERS CERTIFICATE** – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed *Sunee Conly* Mail Address 2402 Bryan St.

City, State & Zip Austin, TX 78702

Printed Sunee Conly Phone 512.825.4975 Date ~~7-9-10~~ 4.13.2011

## **GENERAL INFORMATION FOR SUBMITTAL OF A VARIANCE REQUEST TO THE BOARD OF ADJUSTMENT**

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

### **VARIANCE REQUIREMENTS:**

#### **General Requirements:**

- A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.
- B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

**SUBMITTAL REQUIREMENTS:** (Failure to complete the application or to submit all the required materials will result in non-acceptance of the application.)

- (1) A completed application indicating all variances being requested. An application must include proposed findings that will support requested variances. The required findings must address each variance being sought.
- (2) A site plan to scale indicating present and proposed construction and location and use of structures on adjacent lots.
- (3) A tax plat with subject property clearly marked indicating property within a 500-foot radius. These are available from the Travis Central Appraisal District at 8314 Cross Park Drive (834-9138).
- (4) Check made payable to the City of Austin for the Board of Adjustment application fee. (Residential zoning - \$360. All other zonings - \$660.)
- (5) Other Information – Although the following is not a requirement of submittal you may wish to include additional information that may assist the Board in making an informed decision regarding your request

such as: photos of the site or visual aids to support the request, letters from the neighborhood association(s) etc. Any additional information you wish to submit must be in our office one week prior to the meeting. The Board will receive a packet with all information that has been submitted on the Thursday prior to the meeting.

**(6) Austin Energy approval**

Variances approved by the Board are limited to and conditioned upon the plans and specifications presented by the applicants, except as modified by the Board.

**REQUIRED FINDINGS:** All variance findings must be met in order for the Board to grant a variance. An application must include proposed findings that will support the requested variance. Incomplete applications will not be accepted.

**Reasonable Use:**

Application must demonstrate to the Board how the zoning regulations applicable to the property do not allow for a reasonable use of the property. [Note: The Board cannot approve a variance for a use that is not allowed in the zoning district in which the property is located. This requires a change in zoning.]

**Hardship:**

- a. Application must demonstrate to the Board how the hardship for which the variance is requested is unique to the property. Hardship should be specific to the property for which the variance is being requested. (For example, topography, lot configuration, or any physical constraint that would limit the placement of the structure or prevent compliance with required site development regulations, etc.) A strictly financial or personal reason is not a valid hardship.
- b. Application must demonstrate to the Board why the hardship is not general to the area in which the property is located. Describe how the hardship relating to the site is different from other properties in the area.

**Area Character:**

Application must demonstrate to the Board how the variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the zoning regulations of the zoning district in which the property is located.

**NOTE:** Parking variances require additional findings to be made. The additional findings are listed on the application and must also be completed for submittal of the application.

**Board of Adjustment Staff:**

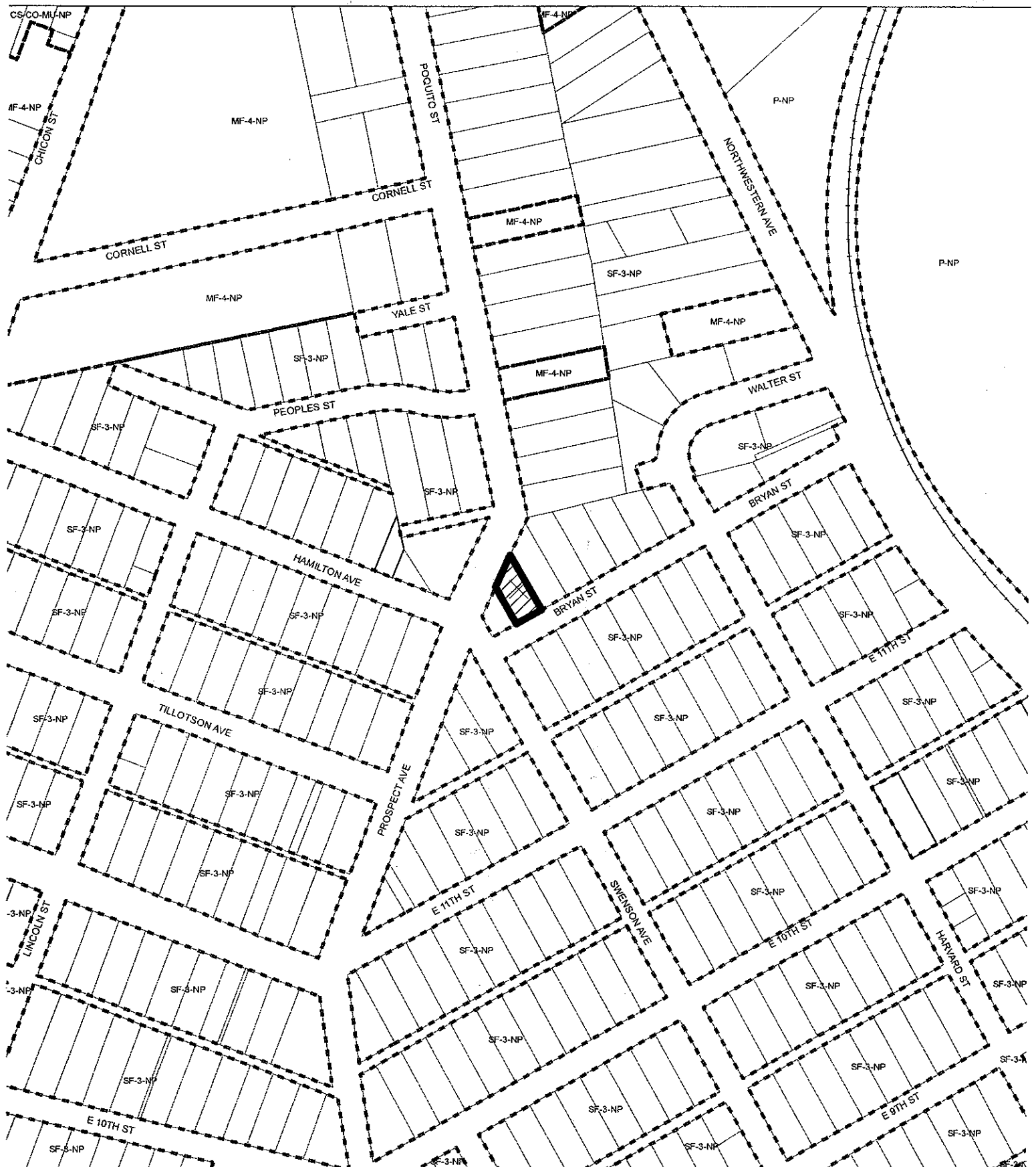
**Susan Walker, Planner**  
974-2202



**Diana Ramirez, Administrative Specialist, Board Secretary**  
974-2241

**Fax #974-6536**

**Watershed Protection and Development Review Department**  
**One Texas Center**  
**505 Barton Springs Road, 2<sup>nd</sup> Floor**

**Mailing Address:**  
**P. O. Box 1088**  
**Austin, TX 78767-1088**



-  SUBJECT TRACT
-  ZONING BOUNDARY

### BOARD OF ADJUSTMENTS

CASE#: C15-2011-0057  
 LOCATION: 2402 BRYAN ST  
 GRID: K22  
 MANAGER: SUSAN WALKER



This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

*current*  
waterloo Surveyors Inc.  
**SURVEY PLAT**

J9903C

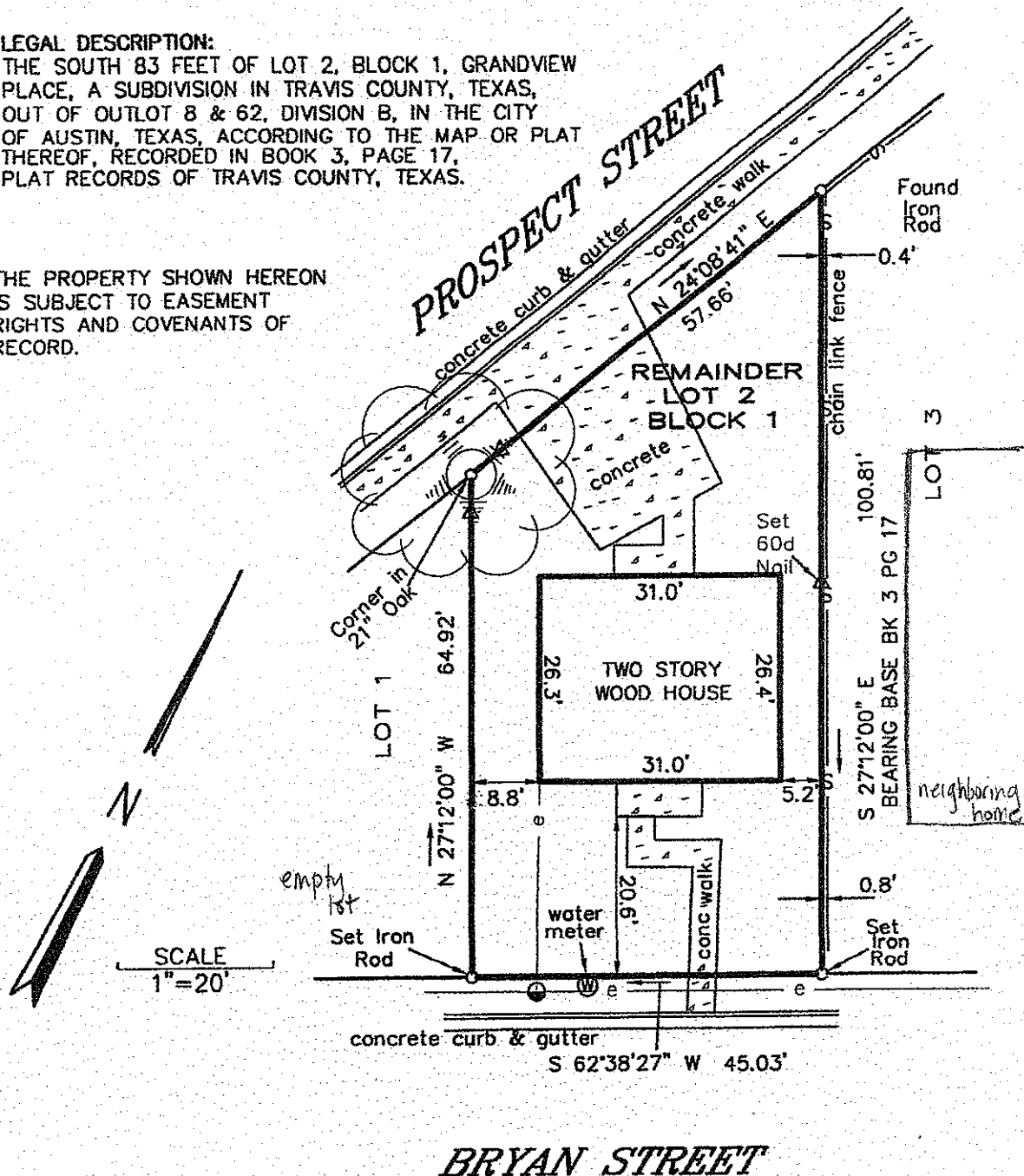
OWNER:  
THERESA KRUEGER

ADDRESS:  
2402 BRYAN STREET

**LEGAL DESCRIPTION:**

THE SOUTH 83 FEET OF LOT 2, BLOCK 1, GRANDVIEW PLACE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, OUT OF OUTLOT 8 & 62, DIVISION B, IN THE CITY OF AUSTIN, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN BOOK 3, PAGE 17, PLAT RECORDS OF TRAVIS COUNTY, TEXAS.

THE PROPERTY SHOWN HEREON  
IS SUBJECT TO EASEMENT  
RIGHTS AND COVENANTS OF  
RECORD.



State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property

proposed carport is in blue. It will primarily cover the existing driveway & sidewalk.

OWNER:  
THERESA KRUEGER

# Waterloo Surveyors Inc. SURVEY PLAT

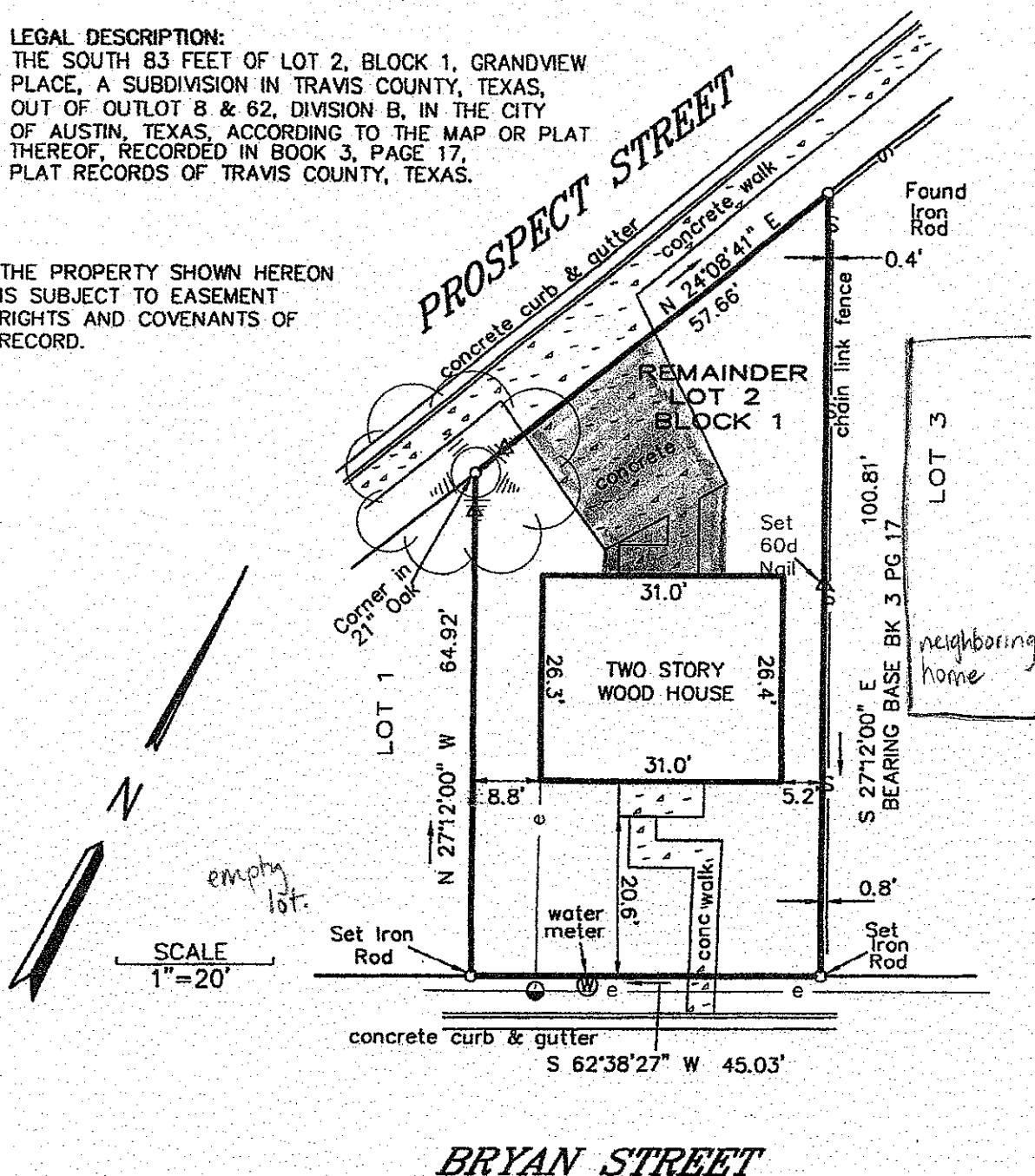
J9903C

ADDRESS:  
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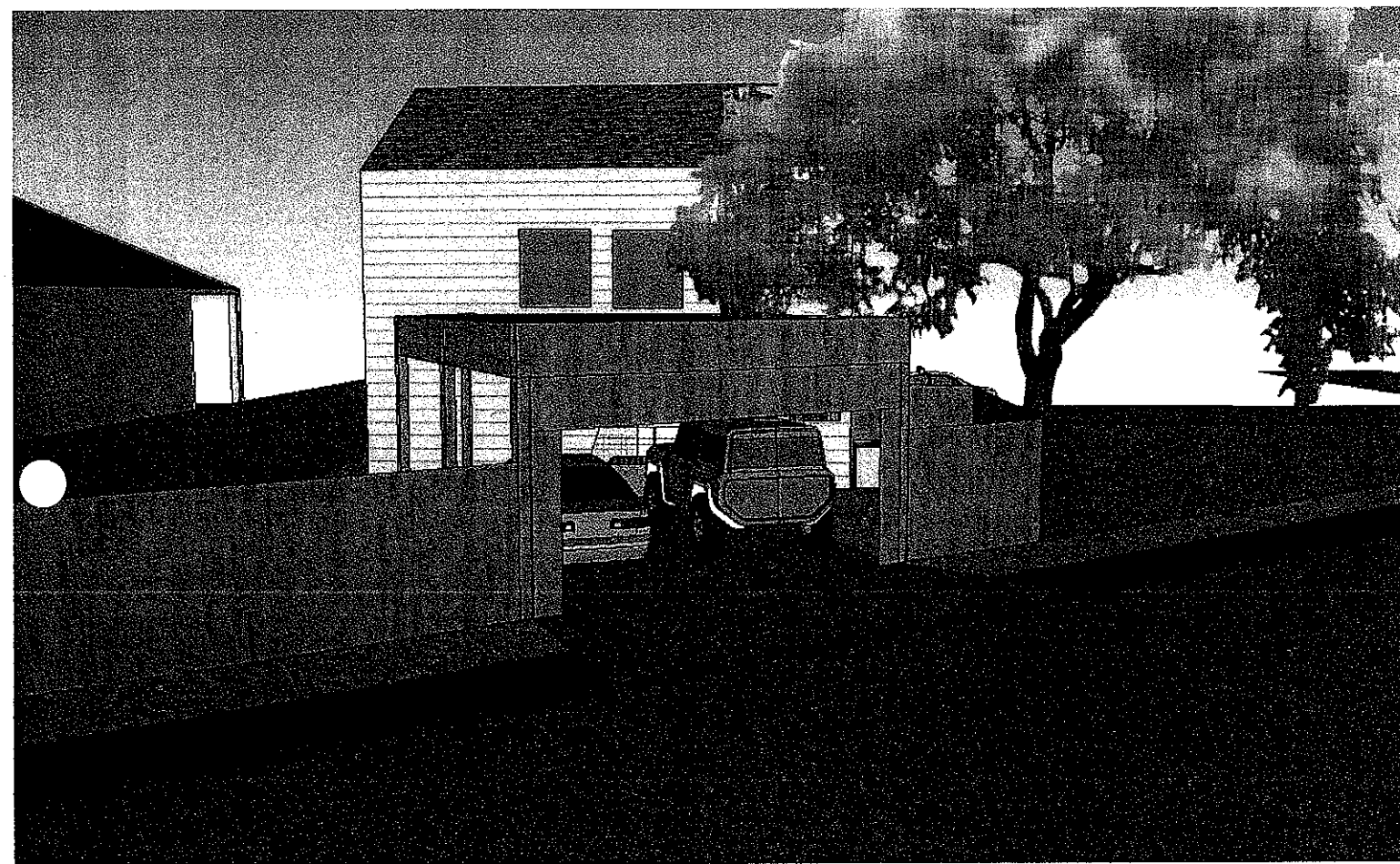
THE PROPERTY SHOWN HEREON IS SUBJECT TO EASEMENT RIGHTS AND COVENANTS OF RECORD.



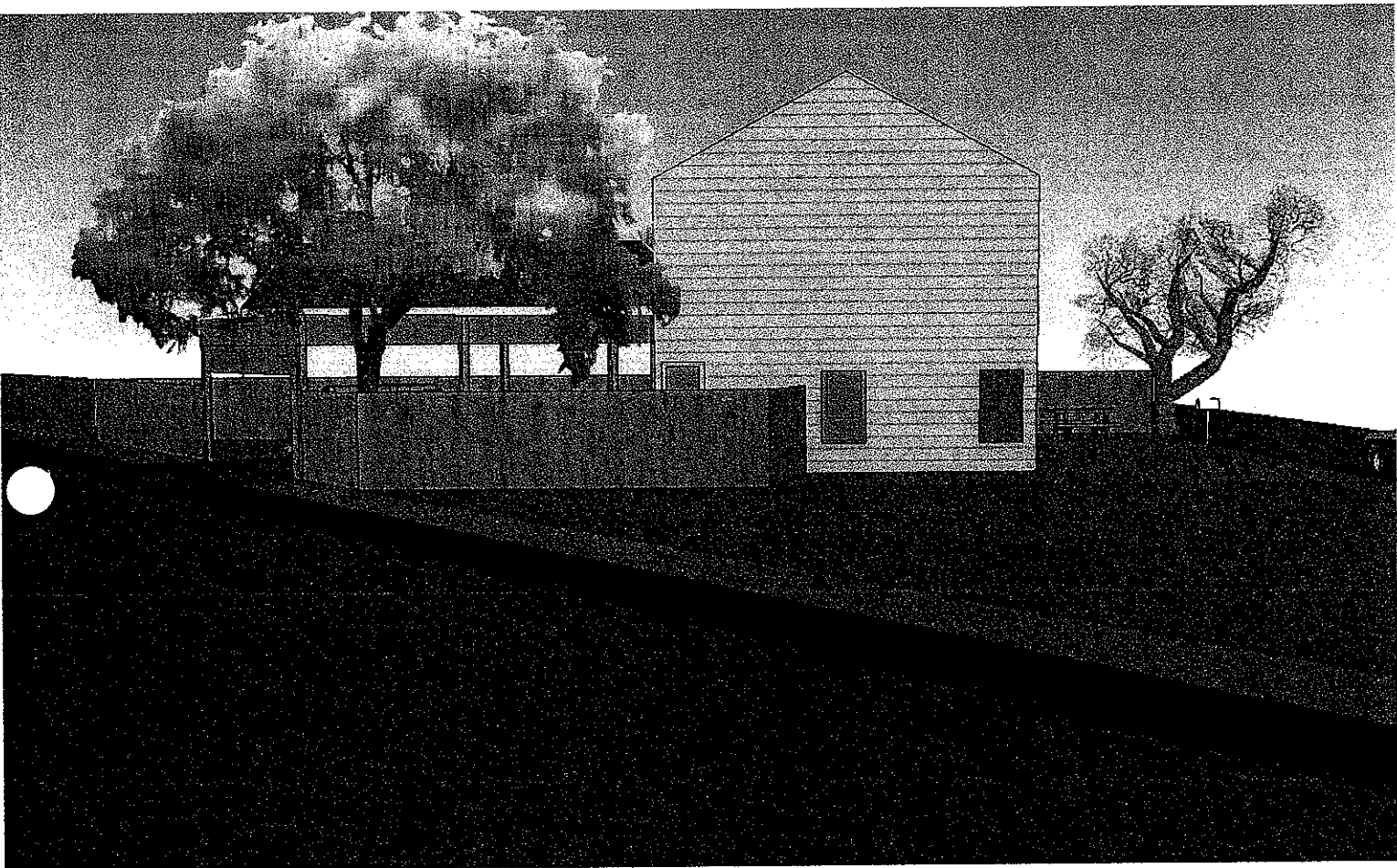
State of Texas:  
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and that there are no discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements except as shown hereon, and that said property





to scale sketch of proposed carport.



to scale sketch of proposed airport.



## City of Austin

*Austin's Community-Owned Electric Utility*

[www.austinenergy.com](http://www.austinenergy.com)

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Town Lake Center • 721 Barton Springs Road • Austin, Texas • 78704

July 8, 2010

Rocky & Sunee Conly  
2402 Bryan Street  
Austin, Texas 78702-2808  
[rockyconly@gmail.com](mailto:rockyconly@gmail.com)  
[suneeconly@gmail.com](mailto:suneeconly@gmail.com)

Re: 2402 Bryan Street  
Part of Lot 2 Block 1 OLT 8&62 DIV B Grandview Place

Dear Mr. & Mrs. Conly,

Austin Energy (AE) has reviewed your application for the above referenced property requesting to build a carport within the front setback. Austin Energy has no conflicts with this application as requested and shown on the attached red-stamped sketch.

Thank you for checking with us in advance. Should you have any questions, please feel free to contact me at 322-6522.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Long, Jr.".

Robert K. Long, Jr.  
Public Involvement/Real Estate Services

Cc: Diana Ramirez and Susan Walker

2402 Bryan  
Overhead view of 2402 Bryan St. Austin, TX 78702.

approved/disapproved the variance requested before the Board of Adjustment. Any changes to plan must be approved by Austin Energy.

AUSTIN ENERGY



Date

7-9-10

bryan street

swensen ave

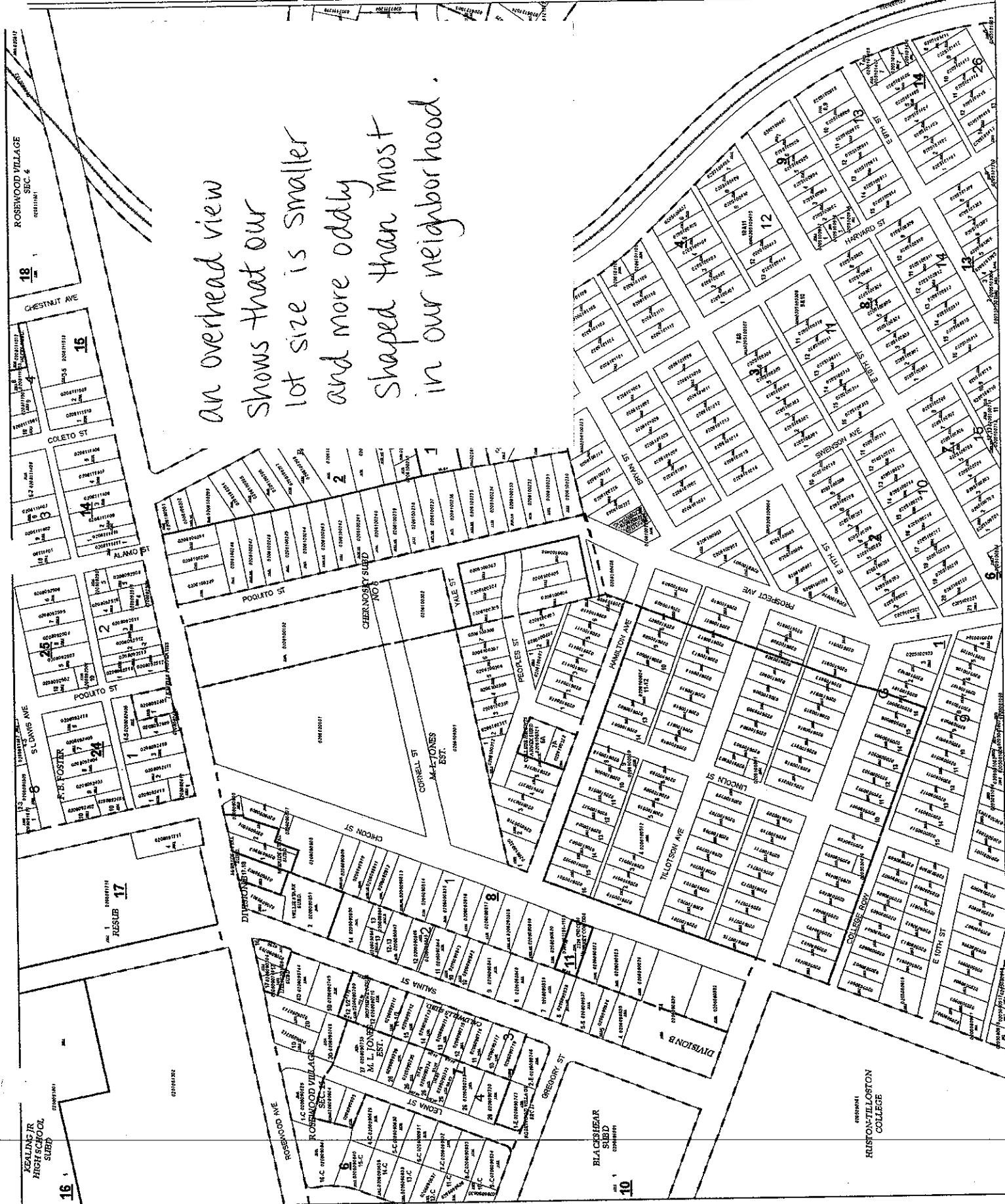
hamilton ave

prospect ave

**:::desired carport:::**

we'd like to build a carport up to our property line. we currently have a setback of 15 ft which doesn't allow space to build anything. the right of way from the curb to our property line is 10 ft. so the carport will be 10ft from the street. The carport is 11ft tall, 19 ft. wide and varying lengths due to the angle of our current driveway.

Please contact Sune Conly with any questions. Phone 512.825.4975 or email [suneconly@gmail.com](mailto:suneconly@gmail.com). Thank you for your consideration.



an overhead view  
shows that our  
lot size is smaller  
and more oddly  
shaped than most  
in our neighborhood.

Travis Central Appraisal District  
P.O. Box 149012  
Austin, Texas 78714  
Internet Address: www.traviscad.org  
Math Telephone Number (512) 834-8317  
Appraisal Information (512) 834-8318  
1DB (512) 836-3328

This map was compiled solely for the use of TCAD  
and is not necessarily accurate to mapping, surveying or  
engineering standards. Conclusions drawn from this information  
are the responsibility of the user. The TCAD makes no claims,  
warranties or guarantees about the accuracy, completeness or  
adequacy of this information and expressly disclaims liability for  
any errors and omissions. The mapped data does not constitute  
a legal document.

NAD, 1983, StatePlane  
Texas Central FIPS 4203 Feet  
Projection: Lambert Conformal Conic  
Scale: 1 inch = 100 feet map  
Scale: 1 inch = 100 feet map  
Scale: 1 inch = 100 feet map

Year	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Value	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369	21081369

0 120 Feet  
Revision Date  
03/05/2010  
2 0610



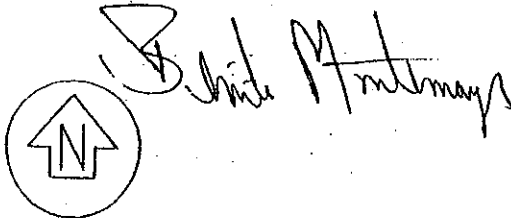
Here is a photo of the carport on the property two lots down from my own. It is a little over 10 ft. from the street, the same distance from the street we are requesting.





# TITLE SURVEY

Address 1127 POQUITO STREET, Reference AUSTIN HABITAT FOR HUMANITY, IN  
 Lot 20, CHERNOSKY SUBDIVISION NO. 6, OUTLOT G2, DIV. E  
 a Subdivision in CITY OF AUSTIN, TRAVIS COUNTY, TEXAS of record in  
 Volume 720, Page(s) 1 of the Plat Records of TRAVIS County, Texas



Scale 1"=30'

### LEGEND

- 1/2" Iron Rod Found
- 1/2" Iron Rod Set
- B.L. Building Line
- ( ) Record Information
- OO—Chain Link Fence
- Break in Scale
- Brick Column

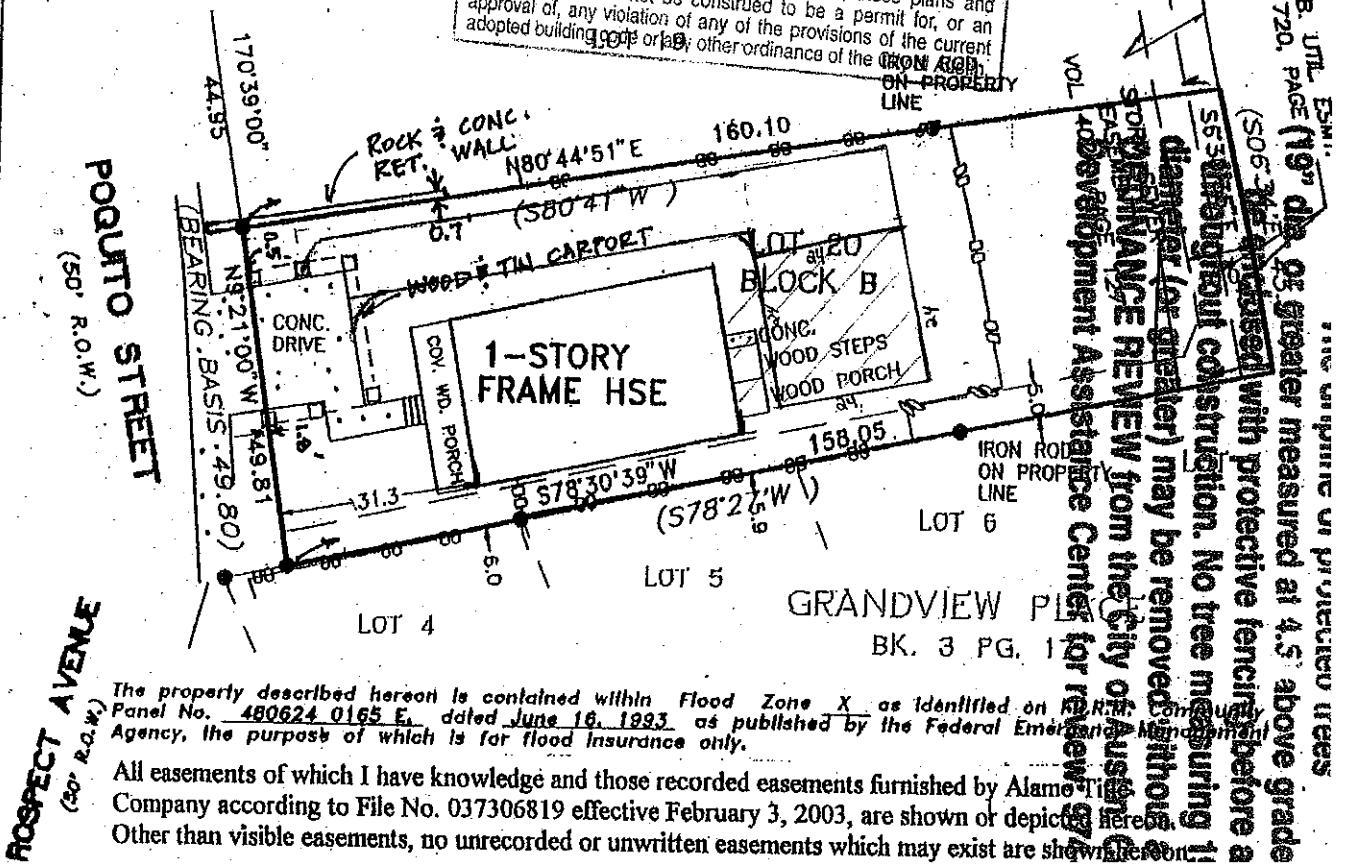
CHERNOSKY SUBDIVISION NO. 6

BK. 720 PG. 1

**Restrictive Covenant  
and Easement Note:**

**Restrictive Covenants and Easements as recorded in Vol. 720, Pg. 1 of the Deed Records and Vol. 12658, Pg. 327 of the Real Property Records of Travis County, Texas DO AFFECT the Subject lot.**

LOT 18  
CITY OF AUSTIN  
APPROVED FOR PERMIT  
Joseph G. Pantalian, P.E.  
Waterford Protection & Development Review Department  
By M. V. [Signature] Date 11/25/07  
The granting of a permit for, or approval of, these plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the current adopted building code or any other ordinance of the City of Austin.  
ON PROPERTY  
LINE





mentioned on previous page

WALTER

0206100255

0206100232

0206100231

0206100224

0206100225

0206100226

0206100227

0206100228

0206100406

0206100405

0206100404

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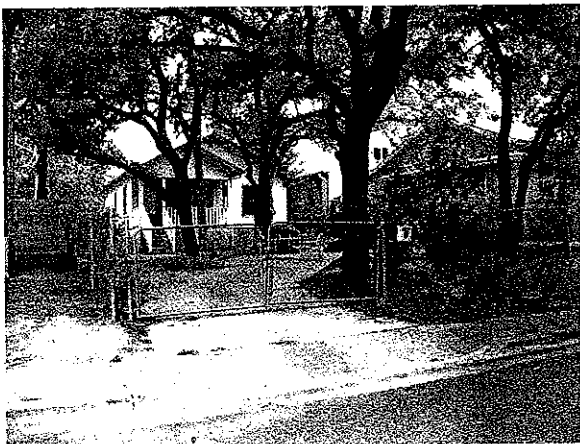
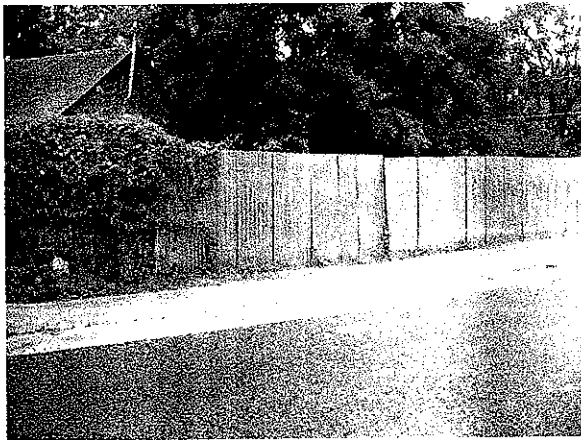
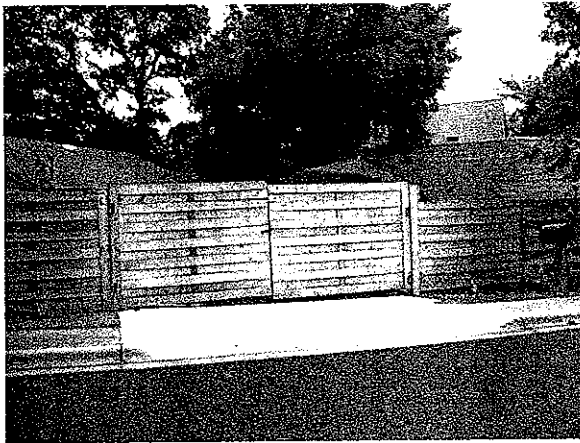
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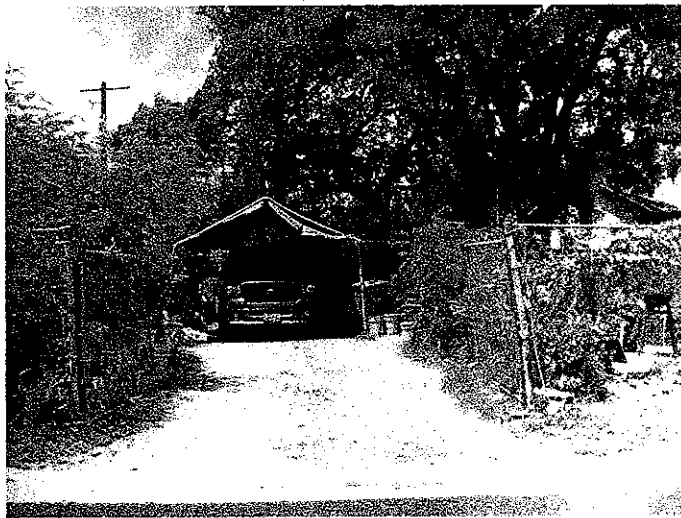
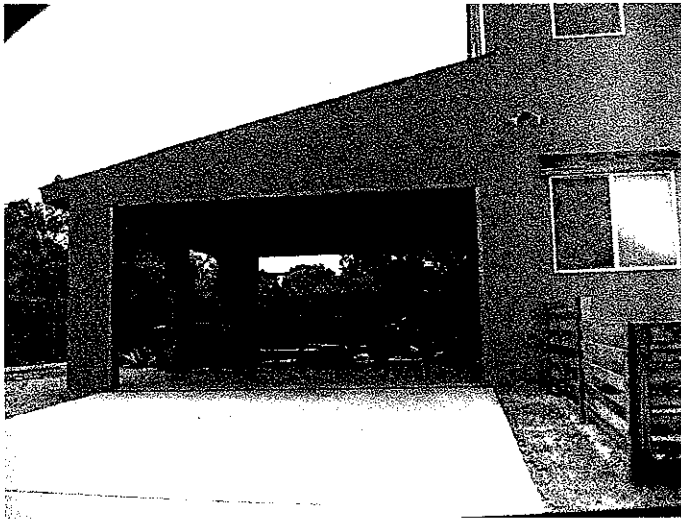
BRYAN ST

HAMILTON AVE

PEOPLES ST

Here are some other driveways and carports in my neighborhood within ½ mile from our property. You can see the diversity in the area. Our carport would not seem out of place.





Support from neighbors expressing their approval.

To Whom It May Concern:

I am writing in regards to the variance requested by Sunee and Rocky Conly at 2402 Bryan Street, Austin, TX 78702. We live at 2408 Bryan Street and have been informed of the Conly's plans to build a carport. We approve of their plans and believe that adding such a structure would not negatively affect the character of the neighborhood or any surrounding property values or uses. Since purchasing the home, the owners have made a number of improvements and keep up the property very well. We are confident that their request is reasonable and that the proposed structure would be an attractive addition to their property and the neighborhood.

Sincerely,

Betsy and Matt Schoenholz

(512) 906-0189

more support & neighbors. Martha is the  
secretary of our neighborhood association.

July 13, 2010

We are neighbors of Rocky and Sunee Conly, the home owners of 2402 Bryan St.  
Austin, TX 78702. They have discussed with me their plans for a carport on their  
property. We do not believe this will impact the neighborhood negatively, and their  
plans will not be out of line with the character of the area.

Name

Address

Kerry Sheehan 2401 Bryan Street

Martha Jones 2409 Bryan St.

Kitty Page 1133 1/2 Poquillo 78702

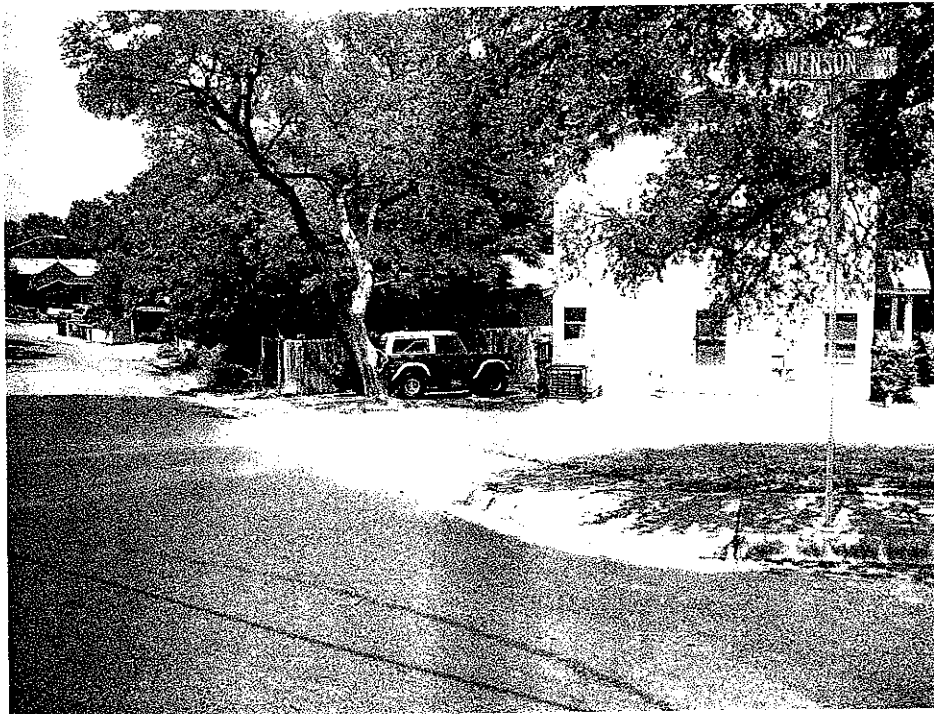
Brian M. Fentmann 1127 Poquillo St. 78702

Joseph Jones 2405 Bryan St

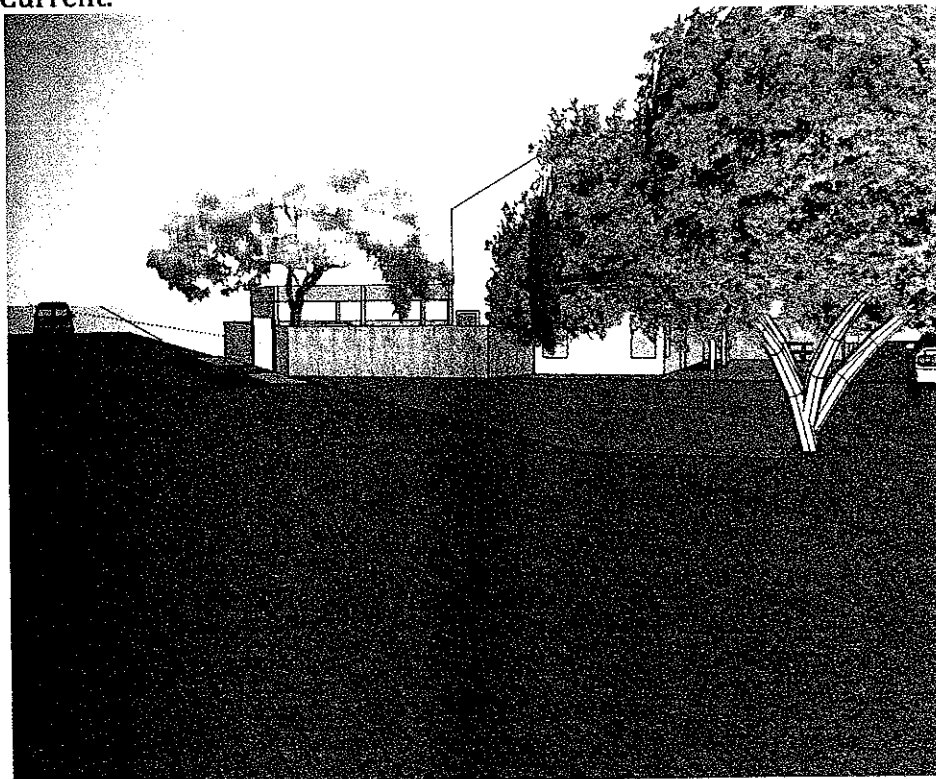
Jason Mellard 2413 Bryan St.

Eliot Haynes 2414 Bryan St. 78702

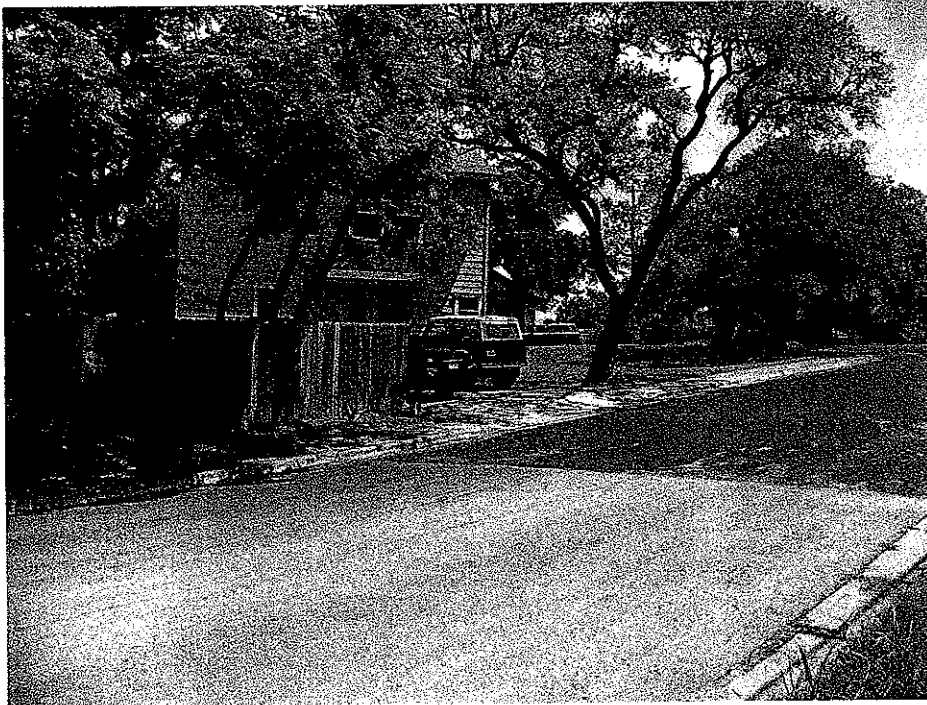
Here are some pictures of our home currently looks like paired with sketches of what our property would look like with the proposed carport and the fence moved along our property line.



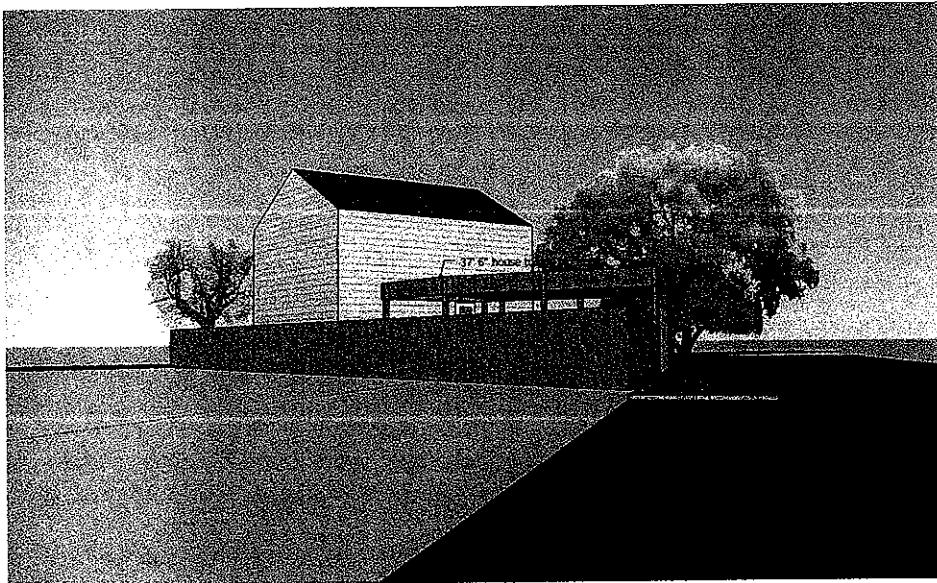
Current.



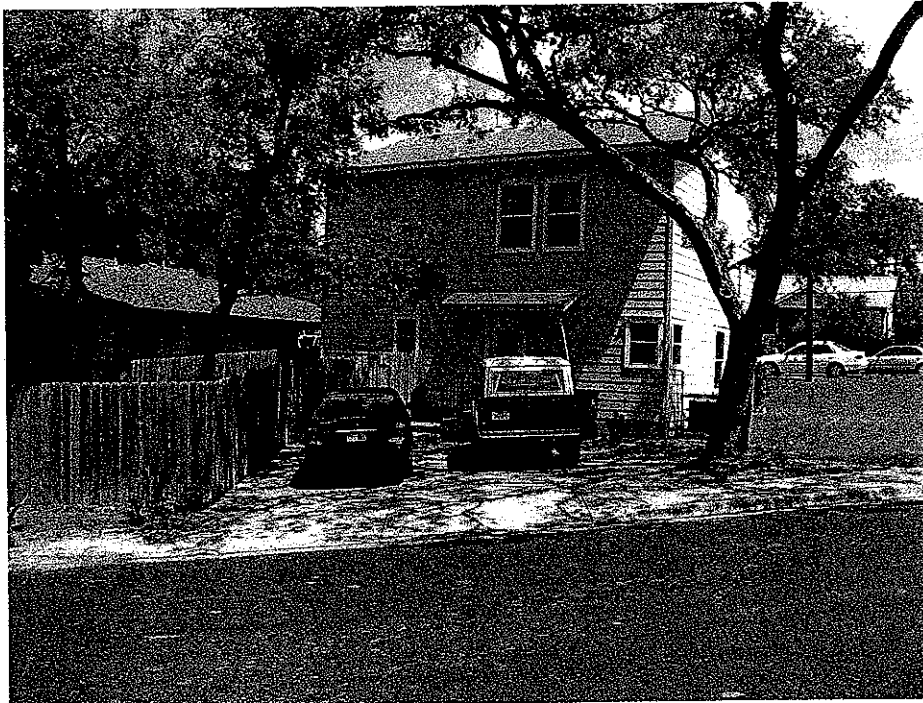
Proposed.



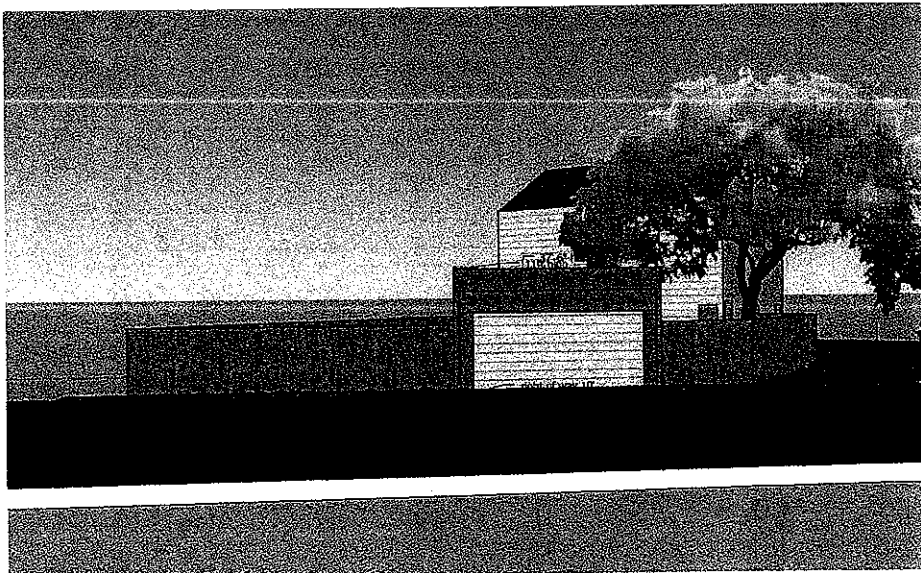
Current.



Proposed.



Current



Proposed.